

D R A F T
Polk County Continuum of Care Board (CoCB)
APPEALS

Background

Funding decisions made by the Continuum of Care Board normally are based on recommendations of the designated CoCB Grant Committee following a process that the staff and Grant Committee will review organizations' funding applications, verify funding criteria, and review supporting documentation in advance of the funding decisions. From time to time, applicant organizations may disagree with a decision or recommendation of the Continuum of Care Board that will result in awarding funds to an applicant organization. These organizations, agencies or individuals may disagree with a policy or funding recommendations/decisions that may affects their organizations, programs in place and/or clients perceived to be negatively affected. In these cases, the Continuum of Care Board has developed this policy and process to provide a mechanism for applicants to appeal such decisions.

An applicant or organization may submit an appeal to the Polk County Continuum of Care Board under the following conditions:

1) Projects

Applicants denied funding, or awarded funds or recommended funds in an amount that is less than applied or requested under a federal NOFA (Notice of Funding Available) or government or local request for proposal (RFP) may file an appeal with the CoCB only under this following circumstances:

- a. The staff or review team overlooked critical information about the project contained within the application that would have caused the project to meet the feasibility threshold and/or be scored as a successful application. The applicant cannot submit any additional information at this point
- b. There was evidence of indisputable capricious lack of fairness in evaluating and scoring the application.

If applicant can meet these criteria, they may file an appeal in writing to:

Mark K Phillips
Executive Director
Polk County Continuum of Care Board
2309 Euclid Ave
Des Moines, IA 50310
www.polkcococ.org

Project which received no funding may be resubmitted during a subsequent applicant period for reconsideration or the applicant may proceed with the Appeal Process.

Process and Timeline:

Organizations must submit a written request for the appeal and must be received in the Continuum of Care Board office within fifteen (15) calendars days of the date of the notice of decision or date of receipt or a policy that is in effect or will go into effect on a stated date. The letter must clearly state the reasons for the appeal and specify all issues being contested. During the appeal process following a funding decision, the applicant may clarify information contained in the application. No new information may be added to the application.

The Chairperson of the Continuum of Care Board will, within three working days or receiving the request, appoint a committee to hear the appeal. A date to review the information and meet within the appellant will be scheduled within 10 days of the committee being appointed. A written decision will be submitted to the Board of Directors for action on the next regularly scheduled Board meeting. The decision of the CoC Board will be final. Under no circumstances will the final decision by the Board be made more than 60 days from the date of receiving the request to appeal.

A pending appeal regarding funding will not delay funding to other applicants who were awarded funds. The amount of a full or partially funded application resulting from an appeal will be deducted from the next funding cycle.

Polk County Continuum of Care Board Appeal Hearing Process

Appeal Committee: The Appeal Committee will be established to consist of 3 to 5 members of the Continuum of Care Board. A member of the Executive Committee will chair this committee and will determine the membership of the committee. Any member of the Executive Committee or board may wish to withdraw from participation on the committee if they feel they have a conflict of interest. The chair of the committee will determine the number of members (between 3 and 5) that will hear the appeal.

Additional Advisors: Individuals may be asked to serve as advisors. Persons who may have background and factual information for the appeal committee may be invited to attend. You may also designate an individual to talk to the committee who will help your position.

Process to be followed:

Prior to the hearing, a package of related information will be compiled by the Continuum of Care Board staff to distribute to the Appeal Committee. The original written appeal request, original funding application as well as all written information that all parties believe to be helpful to those hearing the appeal will be assembled and distributed to the Appeal Committee, the advisor committee and the individual seeking the appeal. Any information that will be presented by both side's needs to be included in the package of information as written documentation will be strongly considered in the decision. All written information is to be delivered to the Continuum of Care Board, by the due date established by the chair of the Appeal Hearing Committee. The written submission will be the primary basis for the appeal decision.

Hearing:

The Appeal Hearing time will be set by the Chair of the Appeal Committee, making every attempt to set a mutually agreeable time. From the time an appeal is requested the hearing must be set within ten business days of the request.

The process for hearing the appeal will be as follows:

| <u>Agenda</u> | <u>Individual Responsible</u> | <u>Timeframe</u> |
|-------------------------------|-------------------------------|------------------|
| Overview of the process | Chair | 5 minutes |
| Introduction of participants | All involved | 5 minutes |
| CoCB/Grant Representative | Committee | |
| | Chair or designee | < 30 minutes |
| Appeal Requestor | Appeal designee/requestor | < 30 minutes |
| Questions of Appeal Committee | All involved | < 30 minutes |

The Appeal Committee will then meet immediately in closed session to review the facts presented. The Advisor(s) will be asked to remain available and may be asked additional questions of clarification as their deliberation process is underway.

The Appeal Committee will make a recommendation to the PC Continuum of Care Board. This must occur within 15 business days of the hearing. IF a board meeting is not scheduled to meet within 15 business days of the hearing, a special meeting may be called to that a final decision is made. The final decision in the matter will be made by the Continuum of Care Board.